

Committee Room,
Austin, Texas, March 3, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 485, A bill to be entitled "An Act abolishing the office of district attorney in the Second Judicial District of Texas, fixing the duties of the county attorneys of said district, and fixing their compensation, repealing all laws or parts of laws in conflict herewith and providing when said Act shall be effective."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

PRICE, Chairman.

THIRTY-FOURTH DAY.

After Recess.

Senate Chamber,
Austin, Texas.

Friday, March 4, 1927.

The Senate was called to order at 10:00 o'clock a. m., Friday, pursuant to recess, by Lieutenant Governor Miller.

Communication From Congress.

The Chair laid before the Senate the following communication from Congress which was ordered printed in the Journal:

House of Representatives
Clerk's Office

Washington, D. C.,
February 28, 1927.

The President of the Senate,
State Legislature,
Austin, Texas.

Dear Sir:

I have the honor to transmit in accordance therewith copy of a concurrent resolution of the Congress of the United States inviting the co-operation of the executives and legislatures of the several states and territories of the United States with the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington.

Very respectfully,

Wm. TYLER PAGE, Clerk,
House of Representatives. U. S.

H. C. R. 57.

Passed House February 22, 1927;
passed Senate February 23, 1927.

Sixty-ninth Congress of the United States of America, at the Second Session, begun and held at the City of Washington on Monday, the sixth day of December, one thousand nine hundred and twenty-six.

Concurrent Resolution.

Whereas, the joint resolution of Congress approved December 2, 1924, created the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, composed of nineteen commissioners, as follows: The President of the United States; Presiding Officer of the Senate and the Speaker of the House of Representatives, ex officio; eight persons appointed by the President of the United States; four Senators and four Representatives, whose duty it is to prepare a plan or plans and a program signaling the two hundredth anniversary of the birth of George Washington, and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies; therefore

Be it Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States earnestly and respectfully invites the full cooperation of the legislatures and chief executives of the respective states and territories of the United States in the execution of the joint resolution of Congress creating the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington in such manner as may seem to them most fitting to the end that the bicentennial anniversary of the birth of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the pioneer, the soldier, the statesman, the husbandman, the exemplar of American citizenship, George Washington, may be commemorated in the year 1932 in such manner that future generations of American citizens may live according to the example and precepts of his exalted life and character and

thus perpetuate the American Republic; and be it further

Resolved, That an engrossed copy of these resolutions be transmitted by the Clerk of the House of Representatives to the presiding officers of the Senate and House of Representatives of the Legislature and to the Chief Executive of each State and territory of the United States.

Attest:

Wm. TYLER PAGE,

Clerk, House of Representatives.

Attest:

EDWIN P. THAYER,

Secretary of the Senate.

Senate Bill No. 220.

On motion of Senator Love, the regular order of business was suspended, and the Senate took up, out of its order, S. B. No. 220.

S. B. No. 220, A bill to be entitled "An Act to amend Articles 1833, 1834 and 1836 of Chapter 2, of Title 39, Acts of 1925, providing for bailiffs and additional stenographic help for the courts of civil appeals, and fixing the compensation for such services to be paid from fees collected by the clerk, and declaring an emergency."

Senator Love sent up the following amendment:

Amend S. B. No. 220 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. That Chapter 2 of Title 39 of the Revised Civil Statutes of 1925 be and the same is hereby amended by adding thereto a new article to be known as Article 1837, which shall read as follows:

"Article 1837. Each clerk of a court of civil appeals located in a county having 210,000 population or more may appoint a chief deputy who shall act as bailiff for the court and shall be paid for such additional services out of the fees of office collected by the clerk a sum to be fixed by the court not to exceed fifty dollars (\$50) per annum, and each such court of civil appeals may employ additional stenographic help when in the judgment of the court the same is needed for the speedy and efficient transaction of the business of the court, to be paid for out of the fees of office collected by the clerk, not to exceed one hundred fifty (\$150.00) dollars per month.

"Sec. 2. The fact that no provision

is now made for the clerks of courts of civil appeals located in counties having 210,000 population or more to provide the badly needed assistance afforded by this bill creates an emergency and an imperative public necessity which authorizes the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule shall be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend the caption of S. B. No. 220 so that hereafter it shall read as follows:

S. B. No. 220, A bill to be entitled "An Act to amend Chapter 2 of Title 39, Acts of 1925, by adding a new section providing for bailiffs and additional stenographic help for the courts of civil appeals located in counties having 210,000 population or more, and fixing the compensation for such services to be paid from fees collected by the clerk, and declaring an emergency."

The amendment was read and adopted by a unanimous vote.

The bill was finally passed.

Senate Concurrent Resolution No. 27

Senator Pollard received unanimous consent to send up the following resolution:

By Pollard, et al:

Whereas, Sergeant Alvin York, of Tennessee, is the guest of the American Legion in Austin today, and has been pronounced the outstanding individual soldier produced by the World War, and wears upon his breast the decoration of every nation allied with the United States during the World War, and

Whereas, His feat in capturing single handed one hundred and thirty-two German soldiers was pronounced by General Foch and General Pershing an act of personal courage and bravery during the entire war, and

Whereas, Sergeant Alvin C. York has devoted and consecrated his life to the education and training of his native Tennessee mountain boys and girls, and has founded the Alvin C. York Industrial Institute at Jamestown, Tennessee.

Therefore, be it Resolved by the Senate of Texas, and the House of Representatives concurring, That Sergeant York be invited to address

a joint session of the Senate and House at 11:00 o'clock a. m., today.

Pollard, Bailey, Berkeley, Bledsoe, Bowers, Fairchild, Floyd, Greer, Hall, Hardin, Holbrook, Lewis, Love, McFarlane, Miller, Moore, Neal, Parr, Price, Real, Reid, Stuart, Triplett, Ward, Westbrook, Wirtz, Witt, Wood, Woodward, Smith, Russek.

The resolution was read and adopted.

Senate Concurrent Resolution No. 28

Senator Fairchild sent up the following resolution:

Whereas, the United States government has allotted to the various states certain captured German World War trophies to be distributed through the chief executive of the various states and territories, and

Whereas, the State of Texas has never taken proper action to accept such trophies for distribution and the time has been extended to July 1, 1927, for the acceptance of the same, and

Whereas, After July 1, 1927, the funds appropriated by the Federal government to cover the cost of packing and handling said trophies for shipment will be unavailable and for this reason it is imperative that the State of Texas take action as soon as possible so that shipping instructions may be given in sufficient time to make shipments before June 30, 1927,

Now, Therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That said World War trophies are hereby accepted by the State of Texas, and the Adjutant General, under the direction of the Governor of this State, is hereby instructed to give the necessary information and shipping directions to the Federal authorities in order that said trophies may be shipped to this State and distributed by the Adjutant General under the direction of the Governor; such directions may be given for the shipment of said trophies to points of ultimate distribution or at such places as may be desirable in the opinion of the Adjutant General under the direction of the Governor for distribution later when it shall have been determined where the same should be sent.

The resolution was read and laid on the table subject to call.

House Bill No. 50.

The question recurred upon the passage of H. B. No. 50 to third reading (being an Act to regulate motor busses).

Senator Pollard sent up the following amendment:

Amend H. B. No. 50 by adding after Section 5, the following:

"Provided, however, that no permit or certificate to operate on said highways shall be granted for a longer period than five years, but may be extended for any five-year period at any time thereafter."

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend H. B. No. 50 by striking out Section 15 of the printed bill on page 668 of the Journal, and in lieu thereof add the following:

"Every person, firm or corporation or association operating as a motor bus company under this Act, shall pay to the State Treasurer, in addition to all other taxes now levied by law, an occupation tax equal to two per cent of the gross receipts as shown by reports to be filed with the Comptroller as provided by Article 7062 of the Revised Civil Statutes of Texas of 1925. Provided that the Commission may provide rules and regulations for the enforcement of this provision of the Act, and for auditing books and accounts to ascertain the amount of tax due and payable."

By Senators Wirtz, Bailey and Holbrook:

The amendment was read.

Senator Woodward made the point of order that the amendment was not germane to the bill.

The Chair sustained the point of order.

Senator Love sent up the following amendment:

Amend H. B. No. 50 by inserting a new paragraph in Section 7 after the first paragraph, which shall read as follows:

"The Railroad Commission shall have no power in any event to refuse an application for a certificate of convenience and necessity on the ground that there are existing railroad or interurban railroad transportation facilities sufficient to serve the transportation needs of the territory involved."

The amendment was read.

Senator Wirtz sent up the following amendment to the amendment:

Amend the pending amendment by adding the words "or other" after the words "interurban railroad."

The amendment was read and adopted.

The amendment as amended was adopted.

Senator Wirtz sent up the following amendment:

Amend H. B. No. 50 by striking out of Section 15, page 668 of the Journal, the words "ten dollars for each motor propelled vehicle, and a further fee computed on the basis of fifty (50) cents per passenger seat for the rated passenger capacity of the vehicle or vehicles used," and in lieu thereof insert the following: "an occupation tax equal to two per cent of the gross receipts as shown by reports to be filed with the Comptroller as provided by Article 7062 of the Revised Civil Statutes of 1925. Provided that the Commission may provide rules and regulations for the enforcement of this provision of the Act, and for auditing books and accounts to ascertain the amount of tax due and payable."

The amendment was read.

Senator Witt made the point of order that the amendment was not germane to the bill.

The Chair overruled the point of order.

Messages From the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed to inform the Senate that the House has adopted the following resolution:

S. C. R. No. 27.—Inviting Sergeant York to address a joint session of the House and Senate at 11:00 a. m., March 4.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 138, A bill to be entitled "An Act amending Article 5142, of the Revised Civil Statutes, providing for juvenile officers, etc., and declaring an emergency."

With amendments.

S. B. No. 187, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerks' office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name or owner, date of permit, description of property on which building is located, etc., and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Section 1 of Chapter 44 of the General Laws of the Regular Session of the Thirty-ninth Legislature relating to bounties for the destruction of certain predatory animals, so that said Chapter 44 will hereafter include and apply to the counties of Burnet and Llano, in addition to the counties now mentioned in Chapter 44; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act amending Articles 4704 and 4708 of the Revised Civil Statutes of 1925 so as to provide that stock of any insurance company organized under the laws of this State shall be divided into shares of not less than ten dollars each and not more than one hundred dollars each and providing that the affairs of any insurance company organized under the laws of this State shall be managed by not fewer than seven directors, all of whom shall be the stockholders in the company; and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act to revive and extend for a period of two years from the passage of this Act Oil and Gas Permit No. 2609, embracing two hundred acres in San Jacinto Bay, Harris County, Texas, said reviving and extension to be upon the same terms and conditions on which the original permit was issued, except that the

owners who may desire to take advantage of this Act shall pay into the General Land Office within thirty days after the taking effect hereon twenty-five cents per acre for each acre within the permit for the first year and fifty cents per acre for each acre within the permit for the second year; providing for the payment of royalty to the State in the manner provided by law for other leases in the same locality, and declaring an emergency."

S. B. No. 353, A bill to be entitled "An Act repealing local and special road law of Parker County, Texas, which was presented to the Governor for approval on March 21, A. D. 1899, and became a law without his approval, and repealing any and all local or special road laws for Parker County, and declaring an emergency."

S. B. No. 332, A bill to be entitled "An Act to amend Article 3884, Revised Statutes, 1925, relating to compensation of deputies and assistants of certain district and county officers, and declaring an emergency."

S. B. No. 443, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Guadalupe County, Texas, upon the question of authorizing the issuance of \$752,000.00 special road bonds of said county, etc."

S. B. No. 454, A bill to be entitled "An Act validating the city of Sudan, Lamb County, Texas, incorporated under the General Laws of Texas at an election held on the 28th day of September, 1925, under the provisions of Chapter 15, Title 22, Revised Civil Statutes of 1911, as amended by Chapter 21, Acts of 1913, Regular Session, as amended by Chapter 60, Acts of the Regular Session."

S. B. No. 434, A bill to be entitled "An Act to repeal Chapter 63, special law passed by the Thirty-third Legislature, and to repeal Chapter 98, special law passed by the Thirtieth Legislature, being special road laws, and amendments thereto for Brazoria County, and declaring an emergency."

S. B. No. 432, A bill to be entitled "An Act to extend Oil and Gas Permit Number 9892 covering about 540 acres in the Bed of San Bernard River, issued on September 22, 1925, such extension to be for a period of two years from the present date of expiration of said permit and declaring an emergency."

S. B. No. 431, A bill to be entitled "An Act to extend Oil and Gas Permit Number 10199 covering about 243 acres in the Bed of the San Bernard River, issued on December 11, 1925, such extension to be for a period of two years from the present date of expiration of said permit, and declaring an emergency."

S. B. No. 423, A bill to be entitled "An Act to define and fix the jurisdiction of the county court of Harrison County, Texas, and to conform the jurisdiction of the district court of the Seventy-first Judicial District in Harrison County to such change, to repeal all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 425, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121 of the Revised Civil Statutes of 1925 so as to place Briscoe County under the provisions of said Chapter, No. 7, Title 121."

H. B. No. 626, A bill to be entitled "An Act to amend Article 1323, of Chapter 3, of Title 32, of the Revised Civil Statutes of Texas of 1925, so as to provide that any corporation formed under Subdivisions 1, 2 and 3, of Chapter 1, of Title 32, of such Revised Statutes may elect all or part of its directors for terms of not exceeding three years, and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed to inform the Senate that the House has passed the following bills:

H. B. No. 586, A bill to be entitled "An Act providing for the withholding from allotment to the public free school fund the sale of such land as may be gained or added to the State of Texas north of the South Fork of Red River as a result of the final determination of the suit of the State of Oklahoma, complainant, against

the State of Texas, defendant; the United States of America, intervener, now pending in the Supreme Court of the United States in which a decree was entered January 3, 1927, ordering the establishment of the one hundredth meridian until such time after the entry of the final boundary decree as the Legislature may consider and provide for final disposition of such additional land as may be decreed to be within the State of Texas, and declaring an emergency." Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.
Committee to Meet Alvin C. York.

The Chair appointed the following committee to meet Alvin C. York: Pollard, McFarlane, Greer, Witt, Miller, Price.

Senate at Ease.

The Chair at 11:00 o'clock announced that the hour had arrived for the Joint Session to hear Alvin C. York.

The Senate proceeded to the House for the session.

Recess.

At 11:45 o'clock the Senate returned to the Senate Chamber.

On motion of Senator Berkeley, the Senate, at 11:50 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate was called to order at 2 o'clock p. m., pursuant to recess, by Lieutenant Governor Miller:

House Bill No. 50.

The question recurred upon the adoption of Senator Wirtz's amendment to H. B. No. 50.

Senator Woodward moved to table the amendment. The motion was adopted by the following vote:

Yeas—15.

Berkeley.	Reid.
Bledsoe.	Smith.
Floyd.	Stuart.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Pollard.	Woodward.
Real.	

Nays—11.

Bailey.	Hall.
Fairchild.	Holbrook.
Greer.	Lewis.

Love.	Wirtz.
Neal.	Wood.
Triplett.	

Absent.

Bowers.	Parr.
Hardin.	

(Pairs Recorded.)

Senator Price (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Reid sent up the following amendment:

Amend the amendment to Section 11 by adding the following:

Provided that in the event no insurance company will write a policy of insurance under the provisions of this Act, then in that event only, the Railroad Commission shall have the power to prescribe such insurance as will in the judgment of the Railroad Commission, adequately protect the rights of those who use the motor-busses of this State, and the public who travel on the highways traversed by said motor-busses.

The amendment was read.

Senator Love moved to table the amendment.

The motion of Senator Ward, to put the previous question was adopted by the following vote:

Yeas—15.

Berkeley.	Smith.
Bledsoe.	Stuart.
Floyd.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Pollard.	Witt.
Real.	Wood.
Reid.	Woodward.

Nays 13.

Bailey.	Lewis.
Fairchild.	Love.
Greer.	McFarlane.
Hall.	Neal.
Hardin.	Price.
Holbrook.	Wirtz.

Absent.

Bowers.	Russek.
Parr.	

The motion by Senator Love to table Senator Reid's amendment was adopted by the following vote:

Yeas—17.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Fairchild.	Neal.
Floyd.	Price.
Greer.	Triplett.
Hall.	Westbrook.
Hardin.	Wirtz.
Holbrook.	

Nays—11.

Miller.	Stuart.
Moore.	Ward.
Pollard.	Witt.
Real.	Wood.
Reid.	Woodward
Smith.	

Absent.

Bowers.	Russek.
Parr.	

The bill as amended was passed to engrossment by the following vote:

Yeas—19.

Berkeley.	Reid.
Bledsoe.	Smith.
Greer.	Stuart.
Hardin.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

Nays—8.

Bailey.	Lewis.
Fairchild.	Love.
Hall.	Neal.
Holbrook.	Wirtz.

Absent.

Bowers.	Parr.
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(Pairs Recorded.)

Senator Floyd (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Woodward's motion to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—21.

Berkeley.	Greer.
Bledsoe.	Hardin.
Floyd.	McFarlane.

Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Pollard.	Westbrook.
Price.	Witt.
Real.	Wood.
Reid.	Woodward.
Smith.	

Nays—7.

Bailey.	Lewis.
Fairchild.	Love.
Hall.	Wirtz.
Holbrook.	

Absent.

Bowers.	Russek.
Parr.	

Senate Bill No. 138.

On motion of Senator Stuart, the Senate concurred in the following House amendments to S. B. No. 138:

Committee Amendment No. 1.

Amend S. B. No. 138 by striking out the word "shall" in lines 24 and 28, on page 2 of the original Senate Bill and substituting therefor the word "may."

Committee Amendment No. 2.

Amend S. B. No. 138 by striking out the word "shall" in lines 8 and 17 on page 3 of the original Senate Bill and substituting therefor the word "may."

Committee Amendment No. 3.

Amend S. B. No. 138 by striking out all of the last paragraph of Section 1, beginning with the word "provided" and ending with the word "jurisdiction" and inserting in lieu thereof the following: "provided that any juvenile officer appointed under the provisions of this Act may be removed from office by the power appointing him at any time."

Bills Referred.

After their captions were read the Chair referred the following bills:

House Bill No. 561 read and referred to Committee on Finance.

House Bill No. 626 read and referred to Committee on Civil Jurisprudence.

House Bill No. 586 read and referred to Committee on Public Lands and Land Office.

Senate Bill No. 396.

On motion of Senator Wood the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 396, A bill to be entitled "An Act to amend Article 189, Title 8, Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read second time.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 396 by taking Guadalupe County out of the Third District and inserting it in the Fourth District.

The amendment was read and adopted.

Senator Greer sent up the following amendment:

Amend S. B. No. 396, lines 24 and 25 by striking out Henderson County and Kaufman County from the tenth district and place them in the fifth district in line 4.

The amendment was read and adopted.

Senator Miller sent up the following amendment:

Amend S. B. No. 396 by taking Parker County out of District 11 and place it in District 2.

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend S. B. No. 396 by adding thereto the following:

The necessity of re-districting the State of Texas into Supreme Judicial Districts and the large number of cases on the dockets of said courts create an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days shall be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend S. B. No. 396 by striking Falls County from the District in which it appears and place it in the tenth district.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 396 by taking Archer and Young Counties out of

the 11th district and add said counties to the 2nd district.

The amendment was read and adopted.

Senator Ward sent up the following amendment:

Amend S. B. No. 396 by inserting the word "Hill" after the word "Limestone" in line 26 on page 2.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 396 by adding to the end of Article 198 District No. 12, to be composed of the following counties: Hardeman, Foard, Knox, Willbarger, Baylor, Wichita, Archer, Young, Clay and Montague.

And by taking the above counties out of the following districts:

Hardeman, Foard, Willbarger out of the 7th district; by taking Baylor, Young, Archer, Wichita, Clay, Knox and Montague out of the 2nd district.

The amendment was read and failed to be adopted.

The bill was ordered engrossed.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 396 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Nays—1.

McFarlane.

Absent.

Bowers.	Russek.
Parr.	

The bill was read third time.

Senator Woodward sent up the following amendment:

Amend S. B. No. 396 by striking out the words "Freestone, Anderson, Leon, and Robertson. on line 25

page 1 and insert the same after the word San Patricio on line 22 page 1 of the bill.

The amendment was read and failed to be adopted.

The bill was finally passed.

Senate Bill No. 401.

Senator Wood received unanimous consent to take up the following bill:

S. B. No. 401, A bill to be entitled "An Act providing for district judges in this State to be assigned to other judicial districts and hold district court and attend to judicial business therein so that the press of business and congested conditions therein may be relieved, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 401 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bowers.	Russek.
Parr.	

The bill was read third time and passed finally.

Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 454.	S. B. No. 431.
S. B. No. 443.	S. B. No. 423.
S. B. No. 434.	S. B. No. 425.
S. B. No. 199.	S. B. N. 353.
S. B. No. 221.	S. B. No. 332.
S. B. No. 432.	S. B. No. 238.

S. B. No. 187.	H. B. No. 203.
H. B. No. 359.	H. B. No. 264.
H. B. No. 35.	H. B. No. 291.

Senate Bill No. 315.

On motion of Senator Bledsoe the regular order of business was suspended, and Senate took up out of its order. Senate bills No. 315 by the following vote:

Yeas—21.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Triplett.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Nays—2.

Fairchild.	Floyd.
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Present—Not Voting.

Lewis.

Absent.

Bowers.	Smith.
Hardin.	Stuart.
Parr.	Witt.
Russek.	

S. B. No. 315, A bill to be entitled "An Act to provide an additional salary of two thousand dollars each per annum to the members of the Railroad Commission of Texas to be paid out of the fund created under Article 6032 of the Revised Civil Statutes of the State of Texas, and one thousand five hundred dollars each per annum to be paid out of the fund created under Article 6060 of the Revised Civil Statutes of the State of Texas, etc., and declaring an emergency."

The bill was read second time.

Senate Bill No. 366.

On the motion of Senator Woodward S. B. No. 366 was made a special order for Tuesday afternoon at 2:00 o'clock p. m.

Senate Bill No. 315.

The question recurred upon the engrossment of S. B. No. 315.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 315 by striking out the figures in line 25 to read \$500.00 and line 27 to read \$500.00 and change lines 23 and 24 to read \$1,000.00.

The amendment was read.

Senator Bledsoe moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15.

Berkeley.	Price.
Bledsoe.	Reid.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
Moore.	Wood.
Pollard.	

Nays—9.

Bailey.	Miller.
Fairchild.	Neal.
Greer.	Real.
Lewis.	Woodward.
McFarlane.	

Absent.

Bowers.	Smith.
Floyd.	Stuart.
Parr.	Wirtz.
Russek.	

Senator McFarlane sent up the following amendment:

Amend S. B. No. 315 by striking out the words and figures in lines 23, 24, 25 and 27 and insert in lieu thereof the following: line 23 and 24 to read \$2,000; line 25 to read \$1,000; and line 27 to read \$1,000.

The amendment was read.

Senator Pollard moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Bledsoe.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Reid.	Witt.

Nays—15.

Bailey.	Greer.
Berkeley.	Hardin.
Bowers.	Lewis.
Fairchild.	Love.

McFarlane.	Real.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Floyd.	Russek.
Parr.	Smith.

The amendment was adopted.

The bill as amended was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 315 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Nays—2.

Lewis.	Miller.
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Absent.

Bowers.	Smith.
Parr.	Wirtz.
Russek.	

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
Moore.	Wood.
Neal.	

Nays—4.

Bailey.	McFarlane.
Lewis.	Miller.

Present—Not Voting.

Woodward.

Absent.		Hall.	Real.
Bowers.	Stuart.	Hardin.	Reid.
Parr.	Wirtz.	Holbrook.	Smith.
Russek.		Lewis.	Stuart.
		Love.	Triplett.
		McFarlane.	Ward.
		Miller.	Westbrook.
		Moore.	Wirtz.
		Neal.	Witt.
		Pollard.	Wood.
		Price.	Woodward.

Bills and Resolutions.

(Continued.)

By Senator Witt.

S. B. No. 467, A bill to be entitled "An Act validating school districts heretofore created under General Laws, Local or Special Acts, validating proceedings in connection with information of such districts or relative to bonds thereof; validating bonds issued thereby; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer.

S. J. R. No. 32, A joint resolution "Proposing an amendment to the State Constitution providing that any bill, resolution, measure or business introduced or initiated at a biennial session of the Legislature shall remain pending business during any session prior to the convening of the next biennial session thereafter, unless the Governor eliminates the same or a portion thereof in his proclamation convening a special session."

Read first time and referred to Committee on Constitutional Affairs.

Senate Bill No. 455.

On motion of Senator Moore the regular order of business was suspended, and the Senate took up, out of its order, Senate bill No. 455.

S. B. No. 455, A bill to be entitled "An Act creating a special road law for Hunt County, Texas, providing that said county may fund the legal outstanding indebtedness against its road and bridge funds as of January 1, 1927, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 455 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Greer.

Absent.	
Bowers.	Russek.
Parr.	
The bill was read third time and passed finally, by the following vote:	

Yeas—28.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bowers.	Russek.
Parr.	

Senate Bill No. 437.

On motion of Senator Hall the regular order of business was suspended, and the Senate took up, out of its order, Senate bill No. 437.

S. B. No. 437, A bill to be entitled "An Act to revive and extend the time of expiration of Oil and Gas permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris County, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 437 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bowers.	Russek.
Parr.	

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bowers.	Russek.
Parr.	

Senate Bill No. 175.

Senator McFarlane called from the table S. B. No. 175.

House Bill No. 320.

The Chair under the rules laid before the Senate H. B. No. 320 on the same subject as S. B. No. 175.

H. B. No. 320, A bill to be entitled "An Act to provide for a license for non-residents and aliens who fish in the inland and coastal waters of the State of Texas and to provide for a license for male residents of the State of Texas who have reached the age of 17 years that fish in any of the inland or coastal waters of Texas, except in the county of their residence; and to provide for a license

for such male residents who shall fish with artificial lures in any of the inland or coastal waters of Texas; to prescribe the license fees for such licenses and to provide for the issuance of said licenses by the Game, Fish and Oyster Commissioner, his deputies, county clerks or other legally authorized agents; and to provide for the payment of these officers for the issuance of said licenses, and to provide for keeping of a record of the licenses issued, and to provide for the disposition of the funds from said licenses, and to provide penalties for a failure of persons to procure a license to fish where the same are required and to define the term non-resident as used in this Act, and declaring an emergency."

The bill was read second time.

House Bill No. 30.

The Chair in the presence of the Senate erased his signature from H. B. No. 30.

Adjournment.

On motion of Senator Pollard, the Senate at 5:05 o'clock p. m. adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 460 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 221 carefully examined and compared, and find the same correctly enrolled and have this day at 4:40 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 432
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 425
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 353
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 238
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 187
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 423
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 332
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 431
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 199
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 434
carefully examined and compared,
and find the same correctly enrolled
and have this day at 4:40 o'clock p.
m., presented the same to the Gov-
ernor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 443 carefully examined and compared, and find the same correctly enrolled and have this day at 4:40 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 454 carefully examined and compared, and find the same correctly enrolled and have this day at 4:40 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 169 carefully examined and compared, and find the same correctly enrolled and have this day at 10:35 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 4, 1927.
✓ Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 398, A bill to be entitled "An Act to provide for the designing, purchase and installation of a memorial tablet in the Texas Memorial Stadium commemorating the services of Texas men and women who served in the World War, providing for a committee to design, select and install the tablet herein provided for, making an appropriation for all expenses incident thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with amendments and be not printed.

WOOD, Chairman.

Committee Amendment.

Amend H. B. No. 398 by striking out all of Section 4, and re-numbering the present Section 5 so that it will read Section 4.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 320, A bill to be entitled "An Act to provide for a license for non-resident and aliens who fish in the inland and coastal waters of the State of Texas and to provide for a license for male residents of the State of Texas who have reached the age of 17 years that fish in any of the inland or coastal waters of Texas, except in the county of their residence; and to provide for a license for such male residents who shall fish with artificial lures in any of the inland or coastal waters of Texas; to prescribe the license fees for such licenses and to provide for the issuance of said licenses by the Game, Fish and Oyster Commissioner, his deputies, county clerks or other legally authorized agents; and to provide for the payment of these officers for the issuance of said licenses; and to provide for the disposition of the funds from said licenses, and to provide penalties for the failure of persons to procure a license to fish where the same are required, and to define the term non-resident as used in this Act, and declaring an emergency."

Beg leave to report the same back to the Senate with the recommendation that it do pass and that it be not printed, the same bill, S. B. No. 175, having been printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 109, A bill to be entitled "An Act relative to registration fees of motor vehicles and motorcycles, amending Article 6678, Revised Civil Statutes of 1925, so as to eliminate registration fees based upon horsepower; amending Article 6679, Revised Civil Statutes of 1925, so as

to eliminate registration fees on trucks based upon horsepower; providing for registration fees in addition to fees based upon weight to be paid by owners of passenger motor vehicles operated for hire; providing for a penalty for failure to pay the same; amending Article 6691, Revised Civil Statutes of 1925, so as to provide for portion of registration fees to go to the county road and bridge fund; repealing Article 820 of the Penal Code; providing that if any section is declared unconstitutional it shall not invalidate any remaining sections or parts of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the attached committee amendments, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 109 by striking out all below the enacting clause, and in lieu thereof insert the following:

Section 1. That Article 6691 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

'Article 6691. Apportionment of funds. On Monday of each week, county tax collector shall deposit in the county depository of his county, to the credit of the road and bridge fund of that county, an amount equal to seventeen and one-half cents (17½c) per horse power of every vehicle registered in such county, together with thirty per cent (30%) of all weight fees collected by such tax collector by virtue of Articles 6678, 6679, 6680 and 6681 of the Revised Civil Statutes of Texas, 1925; provided, however, that no tax collector of any one county shall deposit in the county depository of his county exceeding the sum of fifty thousand dollars (\$50,000.00) of such weight fees. The amount so deposited in the county depository hereunder to be deducted from the gross registration fees collected during the preceding week, and the balance shall be transmitted to the Highway Department. Each county may use the tax so apportioned to it on any county roads that

it may deem necessary or expedient.

Sec. 2. That this Act shall be in force from and after January 1, 1928.

Sec. 3. The fact that the commissioners' courts of the several counties of the State are requesting that provision be made for the distribution to the counties of a larger proportion of the registration fees of motor vehicles, and the nearness to the close of this session creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read in each House on three several days should be suspended and the same is hereby suspended.

Committee Amendment No. 2.

Amend H. B. No. 109 by striking out the caption, and in lieu thereof insert the following:

H. B. No. 109, A bill to be entitled "An Act amending Article 6691, Revised Civil Statutes of Texas, 1925, providing for the apportionment of automobile registration fees to the several counties of the State, and to the State Highway Department; providing how the money allotted to the counties may be used, and declaring an emergency."

Amend H. B. No. 109 by striking out the caption and inserting in lieu thereof the following:

H. B. No. 109, A bill to be entitled "An Act relative to registrations and registration fees of motor vehicles and motorcycles; amending Article 6678, Revised Civil Statutes, 1925, so as to eliminate registration fees based upon horse power; amending Article 6679, Revised Civil Statutes of 1925, so as to eliminate registration fees on trucks based upon horse power; providing for registration fees in addition to fees based on weight to be paid by owners of passenger motor vehicles operated for hire, with a proviso in reference to motor vehicles operating wholly within the corporate limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or not; providing for a penalty for failure to pay same; amending Article 6691, Revised Civil Statutes of 1925 so as to prescribe the portion of registration fees which shall go to the county road and bridge fund and the portion that

shall go to the State Highway Department; repealing Article 820 of the Penal Code; amending Article 6675 of the Revised Civil Statutes of 1925 so as to strike out the words "unexpired quarters" and insert in lieu thereof the words "unexpired months;" providing for blanks and forms necessary to be used by the tax collector in connection with chauffeurs licenses and registration of motor vehicles, motor trucks, motorcycles, tractors and trailers; declaring the rule as to any part of the Act being unconstitutional; disclaiming any legislative intent or opinion as to the invalidity of Article 820 of the Penal Code; providing all other matters and things necessary and incidental to the main purpose of this Act, and declaring an emergency."

Amend H. B. No. 109 by inserting at the end of Section 2a thereof the following words:

"All blanks and forms necessary to be used in any way by the county tax collector in connection with chauffeurs licenses and registration of motor vehicles, motor trucks, motorcycles, tractors, and trailers shall be prescribed by the State Highway Commission and furnished to the county tax collector by the county, and hereafter the Highway Department shall forward only a sample of such forms and blanks in the manner and at the time provided for in Article 6693 and such forms shall be printed and paid for by the county."

By Dale, et al.

H. B. No. 109

A BILL
To Be Entitled

An Act relative to registration fees of motor vehicles and motorcycles, amending Article 6678, Revised Civil Statutes of 1925, so as to eliminate registration fees based upon horsepower; amending Article 6679, Revised Civil Statutes of 1925, so as to eliminate registration fees on trucks based upon horsepower; providing for registration fees in addition to fees based upon weight to be paid by owners of passenger motor vehicles operated for hire; providing for a penalty for failure to pay the same; amending Article 6691, Revised Civil Statutes of 1925, so as to provide for portion of registration fees to go to the county

road and bridge fund; repealing Article 820 of the Penal Code; providing that if any section is declared unconstitutional it shall not invalidate any remaining sections or parts of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Articles 6678, 6679 and 6691 of the Revised Civil Statutes of 1925, are each and all hereby amended so as to hereafter read as follows:

Article 6678. Fees — Passenger Vehicles. The annual registration fee of a motorcycle shall be five dollars (\$5.00). The annual fee for registration of a passenger motor vehicle shall be based upon weight of the vehicle as follows:

	Weight of Vehicle in Pounds	Fee per 100lb. or Fraction Thereof
Class 1	1000-2000	\$0.40
Class 2	2001-3500	.50
Class 3	3501-4500	.60
Class 4	4501 and up	.75

Article 6679. Fees—Trucks. For each motor vehicle designed or used for the transportation of property, the annual license fee shall be based upon the weight of the vehicle, including the body plus its net carrying capacity and the tire equipment, as follows:

Fee per 100 pounds or fraction thereof of the carrying capacity, plus the weight of the vehicle:

If equipped with
Pneumatic Solid
Tires Rubber
Tires

Class 1	1000- 6000	\$0.30	\$0.40
Class 2	6001- 8000	.40	.50
Class 3	8001-10000	.50	.60
Class 4	10001-12000	.60	.80
Class 5	12001-14000	.80	1.00
Class 6	14001-16000	1.20	1.50
Class 7	16001-22000	1.60	2.00
Class 8	22001 and up	4.00	5.00

Article 6691. Apportionment of Funds. On Monday of each week, each county tax collector shall deposit in the county depository of his county to the credit of the road and bridge fund of that county all fees collected by him under Article 6678 of this Act, together with the fees mentioned in Article 6681 of the Revised Civil Statutes of 1925, being the fees derived from the registration of tractors, said fees to be used by each county on any rural

post or lateral roads within such county or, and refunding county road bonds. All other fees derived from the registration of motor vehicles shall be transmitted to the State Highway Department.

Sec. 2 Every owner of a passenger motor vehicle operating for hire in this State shall pay at the time for paying other registration fees, to the county tax collector, a registration fee in addition to the registration fee based on the weight of the vehicle, of four dollars for each passenger such vehicle will seat; provided, however, that the additional four dollar (\$4.00) seat fee shall not apply to corporations or persons, their lessees, trustees or receivers appointed by court whatsoever, in so far as they own, control, operate or manage motor propelled vehicles operating wholly within the corporate limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or not. Any owner of such a vehicle who shall fail or refuse to comply with this article shall be fined not more than two hundred (\$200.00) dollars.

Sec. 2A. Article 6675. Registration. Every owner of a motor vehicle, tractor, trailer, semi-trailer or motorcycle used on the public highways of this State, and each chauffeur, shall annually file in the office of the county tax collector of the county in which he resides or in which the vehicle to be registered is being operated, an application for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license. The county tax collector shall not issue a license to any person until such application has been filled out in full and signed by the applicant, and until the requisite fee for the number of unexpired months for the calendar year is paid.

Sec. 3. Nothing in this Act shall be taken as indicating a legislative opinion or construction that Article 820 of the Penal Code of this State is invalid, but said Article 820 is hereby repealed.

Sec. 4. That if any section of this Act should be declared unconstitutional the same shall not invalidate any remaining section or part of said Act.

Sec. 5. The importance of this Act, and the fact that the people of this

State desire to reduce the amount of registration fees and place more of same in the hands of the county for road and bridge purposes, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Amendment No. 1.

Amend H. B. No. 109 by striking out all below the enacting clause, and in lieu thereof inserting the following:

Section 1. That Article 6691 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 6691. Apportionment of Funds. On Monday of each week, each county tax collector shall deposit in the county depository of his county, to the credit of the road and bridge fund of that county, an amount equal to seventeen and one-half cents (17½c) per horse power of every vehicle registered in such county, together with thirty per cent (30%) of all weight fees collected by such tax collector by virtue of Articles 6678, 6679, 6680 and 6681 of the Revised Civil Statutes of Texas, 1925; provided, however, that no tax collector of any one county shall deposit in the county depository of his county exceeding the sum of fifty thousand (\$50,000.00) dollars of such weight fees. The amount so deposited in the county depository hereunder to be deducted from the gross registration fees collected during the preceding week, and the balance shall be transmitted to the Highway Department. Each county may use the tax so apportioned to it on any county roads that it may deem necessary or expedient.

Sec. 2. That this Act shall be in force from and after January 1, 1928.

Sec. 3. The fact that the commissioners' courts of the several counties of the State are requesting that provision be made for the distribution to the counties of a larger proportion of the registration fees of motor vehicles, and the nearness to the close of this session creates an emergency and an imperative pub-

lie necessity, that the constitutional rule requiring bills to be read in each House on three several days should be suspended and the same is hereby suspended.

Committee Amendment No. 2

Amend H. B. No. 109 by striking out the caption, and in lieu thereof inserting the following:

H. B. No. 109, A bill to be entitled "An Act amending Article 6691, Revised Civil Statutes of Texas, 1925, providing for the apportionment of automobile registration fees to the several counties of the State, and to the State Highway Department; providing how the money allotted to the counties may be used, and declaring an emergency."

Committee Room,

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. C. R. No. 28, being a resolution entitled "Assent of the State of Texas to the Purnell Act."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 316, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes, 1925, and as amended by Chapter 99, Regular Session of the Thirty-ninth Legislature, and Chapter 11 of the First Called Session of the Thirty-ninth Legislature, so as to include Fort Bend, Marion, Leon, Jim Wells, Refugio and Polk Counties within the provisions of said Article, which relates to stock law election, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

NEAL, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Acts of the Third Called Session of the Thirty-eighth Legislature, Article 7065, Revised Civil Statutes of 1925, by providing for an occupation tax upon wholesale dealers in gasoline equal to three cents per gallon on all such gasoline so sold by any such dealer; repealing all laws in conflict with said amendment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the attached committee amendments, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Acts of the Third Called Session of the Thirty-eighth Legislature, Article 7065, Revised Civil Statutes of 1925, by providing for an occupation tax upon wholesale dealers in gasoline equal to three cents per gallon on all such gasoline so sold by any such dealer; repealing all laws in conflict with said amendment, and declaring an emergency."

Beg leave to differ from the majority, and report same back to the Senate with the recommendation that it do pass without amendments.

REAL,

HALL,

HOLBROOK,

FLOYD.

Committee Amendment No. 1.

Amend H. B. No. 72 by striking out of Article 7065, Section 1, of the bill, in line three of said article, the words "three cents," and in lieu thereof inserting the words "two cents."

Committee Amendment No. 2.

Amend H. B. No. 72 by striking out of the caption the words "three cents," and in lieu thereof inserting the words "two cents."

By Dale, Wallace et-al. H. B. No. 72

A BILL

To Be Entitled

An Act to amend Chapter 5 Acts of the Third Called Session of the Thirty-eighth Legislature, Article 7065, Revised Civil Statutes of 1925, by providing for an occupation tax upon wholesale dealers in gasoline equal to three cents per gallon on all such gasoline so sold by any such dealer; repealing all laws in conflict with said amendment; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 5 of the Third Called Session of the Thirty-eighth Legislature, Article 7065, Revised Civil Statutes, 1925, be and the same is hereby amended so as to read hereafter as follows:

Article 7065 (7377). Tax on Gasoline. Every person selling at wholesale in interstate commerce in this State any gasoline shall pay to the State of Texas an occupation tax equal to three cents per gallon so sold by such person. Such tax shall be due and payable at the office of the Comptroller at Austin on the 25th day of each month, based on such sales made during the calendar month next preceding. Every such person so selling gasoline shall on or before the 25th day of each month make and deliver to the Comptroller a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or, if other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representative in charge of such interstate sales of such gasoline), on such forms as said Comptroller shall prescribe, of the total number of gallons of gasoline sold at wholesale in interstate commerce in this State by such person during the next preceding calendar month. The term "selling at wholesale" or "sold at wholesale" or "sales at wholesale" as used in this law shall include:

1. Any and all of gasoline in any quantity whatsoever in interstate commerce in this State to the re-

tailer to be sold by such retailer to the consumer in any quantity whatsoever.

2. Any and all sales to consumer in interstate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of others in the name of a representative, agent or employee of such person.

3. Any and all sales in any quantity whatsoever to the consumer in interstate commerce in this State of gasoline brought into the State from outside the State, except that gasoline which is sold in interstate commerce to the retailer for sale to the consumer, the selling of which latter mentioned is covered by subdivision 1 hereof.

Failure of the Comptroller to furnish any person affected by this law with a form for any report required to be made by such person shall not relieve such person of liability for penalties for failure to comply with this law as to any such report. Every person required to pay said tax shall keep a complete record of all sales at wholesale made upon which the occupation tax herein levied is measured or computed, which record shall be in a permanently bound book or books (not loose leaf) and shall show the date of each such sale; the amount of same; to whom (except as to sales to the customer) each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller, or the Attorney General, or any authorized employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State as a penalty an amount not exceeding one thousand dollars; and for each day such person so fails to keep such record or records a separate penalty shall accrue. Any person required to pay an occupation tax by this law failing to pay such tax on or before the date same is due and payable, shall pay to the State as a penalty an additional ten per cent of the amount of the tax

due on said date and such tax penalty shall draw interest at the rate of eight per cent per annum from due date until paid.

Any person required to make any report under this law failing to make the same in the manner or within the time prescribed by this law shall forfeit to the State a penalty of not to exceed one thousand dollars. Such penalty shall draw eight per cent interest from due date until paid. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this law immediately upon the collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State Highway Fund for the construction and the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the statute controlling the distribution of such available school fund and State Highway Fund, respectively. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this law. The word "gasoline" as used in this law means gasoline or gasolene substitute refined, compounded, manufactured, blended or prepared in whole or in part from any derivative fraction of product of petroleum or natural gas; and shall also include what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared. The word "person" as used in this law shall include persons, firms, partnerships, companies, corporations, associations, receivers, common law trusts, those operating under a declaration of trust, or other concern by whatsoever name known or howsoever organized, formed or created. It is the purpose and intent of this law to levy an occupation tax that will not operate to burden the industry with the tax every time any particular

gasoline is sold, but to place the tax on only one transaction as to any particular gasoline, to the end that the tax will bear equally and uniformly on the gasoline industry. (Acts 3rd C. S. 1923, p. 158).

Sec. 2. That any and all laws in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Sec. 3. The fact that one-fourth of the said occupation tax is to be devoted to the maintenance and support of the public free schools, and that the revenues now available to said public free schools are insufficient to provide for an efficient public school system for the ensuing scholastic year creates an emergency and an imperative public necessity requiring bills to be read on three separate days be suspended and the same is hereby suspended and that this amendment take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries to whom was referred

H. B. No. 59, A bill to be entitled "An Act repealing Title 108, except Article 6203 thereof, of the Revised Civil Statutes of 1925; defining 'a policy' for the conduct and operation of the State prison system; providing for humane treatment for all prisoners; providing for the working of all prisoners within the prison walls, and within farms owned or leased by the State; prohibiting the sale of prison labor to any contractor or lessee; providing for a board composed of nine (9) members for the Texas prison system, said board to be appointed by the Governor, whose terms of office shall be six years, except that in making the first appointment three shall be designated for two years, three for four years, and three for six years, whose terms shall expire February 1, 1929, 1931 and 1933, respectively; providing how unexpired terms of board members shall be filled; providing for removal of board members through quo warranto proceedings; providing how necessary expenses and ten dollars (\$10) per diem for board members; providing for the organization of the board, and authorizing it to take charge of peni-

tentiary properties, providing for the employment of a general manager at a salary not to exceed eight thousand dollars (\$8,000) per year, and defining said manager's several duties; providing for regular sessions of the board, and such special sessions as may be necessary; providing for the purchase of all necessary buildings, machinery, tools and supplies for the operation of the prison system; providing for the sale of all products from the farm and factories; providing for the sale and purchase of lands with the approval of the Legislature; providing for placing all moneys received in the State Treasury to be designated as the 'State Prison Account,' and how said funds may be drawn on; providing for rules and regulations governing the management and operation of the prison system, for the transportation of prisoners, and discharge of prisoners; providing for an auditor of the prison system to be appointed by the Board of Control, and defining his duties; providing for an annual report by the prison manager and auditor; providing that the manager and each member of the Prison Board may administer oaths; providing for the fixing of salaries of all employes by the manager with the approval of the board; providing monthly reports showing the condition and the prison population, the classification of prisoners, proper and humane punishment of prisoners; providing for prison physicians and dentists, for the punishment of officers and employes of the prison system who violate the laws and rules governing the prison system; the working of negro prisoners and white prisoners separately; for the keeping of female prisoners separate and apart from male prisoners, and the separation of white females from negro females; for the employment of guards; for the commutation of time of prisoners; for the proper disposition of prisoners who may die while in service; for visitors who may be admitted into the prison; prohibiting any officer, agent or employe being connected financially or otherwise with any contract for the furnishing of supplies or properties to the prison system; providing for a State seal for the Prison Board; providing for working convicts on public works in case of unforeseen calamity; providing all civil actions, not otherwise provided for in this Act, to have

venue in Travis County, Texas, providing for the repeal of all laws or parts of laws in conflict with said Act, and where any part or section of this Act is declared invalid it shall not effect the remaining sections and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute do pass and be printed in the Journal.

FAIRCHILD, Chairman.

Committee Substitute, H. B. No. 59.

A BILL

To Be Entitled

An Act relating to the State Penitentiaries, repealing Articles 6166 to 6202, both inclusive, of Title 108, Revised Civil Statutes of 1925; creating the Texas Prison Board and providing for the management, operation, conduct and maintenance of the State prison system; providing for a manager and auditor for said prison system; authorizing the sale and purchase of land necessary for said prison system, and the employment of the prisoners confined in the State Penitentiary; providing for the purchase of personal property necessary for the operation of the prison system, and authorizing the sale of personal property belonging to the prison system; providing for the leasing of lands by the Texas Prison Board for agricultural, grazing and mineral purposes; and providing for the handling of the funds of the prison system; and providing other matters and things necessary and incidental to the main purpose and subject of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 6166 to 6202, both inclusive, of the Revised Civil Statutes of 1925, are hereby in all things repealed.

Sec. 2. There is hereby created the Texas Prison Board, which shall be composed of nine members to be appointed by the Governor with the advice and consent of the Senate. Such appointments shall be made biennially, on or before Feb. 15th. Each member of said Board shall be a State officer within the meaning of the Constitution, and before entering upon the discharge of duties

shall take the constitutional oath of office. The term of office of each member shall be six years, except that in making the first appointments the Governor shall appoint three members for a term of two years each, three members for terms of four years each, and three members for terms of six years each, so that the terms of three members shall expire every two years. Vacancies occurring in the Board shall be filled by appointment of the Governor for the unexpired term.

Sec. 3. The members of the Texas Prison Board shall draw no salaries, but each member of the Board shall be entitled to a per diem of ten dollars per day and actual and necessary expenses when engaged in the discharge of his official duties.

Sec. 4. The Texas Prison Board shall hold a regular meeting on the first Monday in January, March, May, July, September and November of each year for the transaction of any and all official business. Special meetings of said Board may be called by the chairman, and upon the petition of five members special meetings of said Board shall be called. Each member of the Board shall be given notice of special meetings and of the purpose thereof, and unless such notice has been given no official business shall be transacted at any special meeting. Six members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

Sec. 5. The Board shall biennially organize by the election of a chairman and a vice-chairman from among its member, and shall provide for the appointment of such committees as may be expedient to the accomplishment of the duties of said Board. The Board shall have authority to employ such clerical assistance as may be necessary for the discharge of its duties.

Sec. 6. If any member of the Board shall be guilty of malfeasance, misfeasance or non-feasance in office, or shall become incapable or unfit to discharge his official duties or shall wilfully fail, refuse or neglect the discharge of the duties of his office, such member may be removed from office in either of the following ways:

(1) By the Governor in the manner provided by law.

(2) By suit brought by the Attorney General in the name of the State on his own motion or at the direction of the Governor, on the relation of the Governor, in the District Court of Travis County or in the district court of the county of residence of such member. The Attorney General shall bring such suit when directed by the Governor to do so, provided the Governor accompanies such direction with charges and evidence showing that the member is subject to removal as provided herein. Upon the application of the Attorney General in the name of the State of Texas, the District Judge before whom such suit is pending may immediately suspend the member from office, and such order of suspension shall be effective until set aside by the court on motion. Such motion, when filed, shall have preference over all other causes pending in such court. If the judgment of the court be one of removal from office, the member shall be forthwith suspended from office pending any appeal of the case. When the member is so suspended, the District Judge at the time of making such order of suspension, shall appoint for the duration of such suspension some other qualified person to perform the duties of the suspended member, and such appointee shall receive the same compensation as a member of the Board. The suit shall be a civil action, to be tried as other civil cases, with the right of appeal and review as in other cases. The court shall have authority to issue all necessary writs to enforce its judgment or order of suspension and to protect its jurisdiction over such case. Such suit shall have precedence over all other cases in the trial and appellate courts.

Sec. 7. No member of the Board shall be directly or indirectly, connected with or interested in any contract, sale or purchase of any property or thing whatsoever, which may be made during his term of office and in which either the State or the prison system is interested. A violation of any provision of this section shall be sufficient ground for his removal from office.

Sec. 8. The Texas Prison Board, together with the manager hereinafter provided for, shall be vested with the exclusive management and control of the prison system, subject

only to the limitations of this Act, and shall be responsible for the management of the affairs of the prison system and for the proper care, treatment, feeding, clothing and management of the prisoners confined therein.

Sec. 9. The Texas Prison Board shall cause the manager hereinafter provided for to make full and complete reports to each regular meeting of said Board of the fiscal affairs of said prison system and of the general conditions with relation thereto. On the first day January of each year, said Board shall cause a full and complete inventory of all property of every description belonging to the prison system to be made, and there shall be set opposite each item the book and actual market value of the same. Said inventory shall further include a statement of the fiscal affairs of said system as of the first day of January; and a sufficient number of copies of such inventory and report shall be printed to give general publicity thereto.

Sec. 10. The Texas Prison Board is authorized to bring and maintain suits for the collection and enforcement of all demands and debts owing to the prison system. The venue of such suits shall be in Travis County, and such suits shall be instituted and prosecuted by the Attorney General. No bond for costs, appeal bond, supersedeas bond, writ of error bond, or other security shall at any time be required of the Texas Prison Board in any civil suit of any kind brought by or against it or them in its or their official capacity as such Board or members thereof, except such suits as may be brought against it or them by the State of Texas. Nothing in this section shall authorize any civil suit of any kind whatsoever to be brought or prosecuted against said Board or any member thereof as such, except by way of offset or counter claim to an action originally brought by said Board.

Section 11. The Texas Prison Board shall employ one of experience and training as a manager of the prison system, who shall possess qualifications and training which suit him to manage the affairs of a modern penal institution, and it shall be his duty to carry out the policies of the Texas Prison Board. The Board shall manage and control the prison system through the manager selected by it. In addition to his

salary, said manager shall be furnished with a dwelling house by the State and all necessary traveling expenses. The Board shall delegate to such manager authority to manage the affairs of the prison system, subject to its control and supervision. The duty of such manager shall extend to the employment and discharge, with the approval of the Board, of such persons as may be necessary for the efficient conduct of the prison system. The manager, with the consent of the Texas Prison Board, shall have power to prescribe reasonable rules and regulations governing the humane treatment, education, training and discipline of prisoners, and to make provision for the separation and classification of prisoners according to sex, color, age, health, corrigibility, and character of offense upon which the conviction of the prisoner was secured. Provided the leasing of convicts is hereby prohibited.

Sec. 12. The Texas Prison Board shall have the power at any time, with or without cause, to remove the manager provided for in this Act, and to fill the vacancy thereby created with another manager selected by the board.

Sec. 13. The manager shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to him from every source whatsoever, and shall sign all warrants authorizing any disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except on a warrant signed by him and countersigned by the auditor of the prison system. He shall keep full and correct accounts with each industry, department and farm of the prison system, and with all prisons, firms or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officers or employees of the prison system at stated intervals.

Sec. 14. On Monday of each week, the manager shall remit to the State Treasury all moneys received by him during the preceding week and belonging to the prison system. Such funds when received shall be

deposited by the State Treasurer upon the warrant of the Comptroller to the credit of the General revenue fund. The manager shall be furnished with a receipt for such money, and a duplicate of such receipt shall be sent to the chairman of the Texas Prison Board, and another duplicate to the State prison auditor. All bills and accounts of said prison system shall be paid from appropriations made by the Legislature from the general revenue fund of the State, upon sworn accounts and warrants drawn by the State Comptroller on the State Treasurer in the same manner as provided by general law. Each account shall be approved by the manager and audited by the auditor of the prison system. The Comptroller shall have authority to issue warrants, and the Treasurer to pay the same, upon accounts approved by the manager and audited by the auditor where the amount of such account does not exceed \$5,000.00, and where the amount of the account is in excess of \$5,000.00, before the Comptroller shall issue a warrant for the same or the Treasurer pay such warrant, such account shall be approved for payment by the chairman of the Prison Board. Provided that this section shall not become effective until the Fortieth Legislature shall by appropriation make funds available for the operation of the prison system for the next ensuing fiscal year; and between the time this Act becomes effective and such appropriation is made by the Legislature, the present financial system of the State prison system shall be continued.

Sec. 15. All contracts for the purchase of materials, supplies, equipment and sustenance for the prison system shall be upon competitive bids, except as hereinafter provided. Where the amount to be expended, is in excess of the sum of \$2,000.00 the purchases shall be made upon sealed competitive bids received by the manager after ten days advertisement in some paper or papers of general circulation in this State. Where the amount of the purchase is less than \$2,000.00 the manager shall, before letting any contract for such purchase, ask and receive not less than three sealed competitive bids for such contract. In cases of emergency, where the contemplated expenditure does not ex-

ceed \$200.00, the purchase may be made without asking for competitive bids.

Sec. 16. The Board shall have power to authorize the manager to sell and dispose of all products of all farms and industries connected with the prison system and all personal and movable property, at such prices and on such terms and under such rules as it may deem best, and adopt; and it may lease any real estate or other fixed property for agricultural or grazing purposes, and appurtenances belonging thereto upon such terms as it may deem advantageous to the interests of the prison system.

Sec. 17. The Board shall further have power to sell real estate, belonging to the State prison system and to make oil and mineral leases thereon, provided no sale shall be made except after advertisement for four successive weeks in some newspaper of general circulation published in the county where the land is located, and in a newspaper of general State circulation. In any sale of any real estate belonging to said prison system, the Texas Prison Board shall not convey the full fee simple title therein, but shall retain for the use and benefit of the prison system not less than an undivided one-half of the whole of the mineral estate in such real estate, and said Board shall have the right to contract with relation to the portion of said mineral estate retained. In any lease conveying the mineral estate in any real property belonging to said prison system, the Texas Prison Board shall retain a royalty of not less than one-eighth of its interest in said mineral estate.

Sec. 18. The Texas Prison Board shall have the power to make executory contracts for the purchase of and to purchase necessary real estate or other fixed property and appurtenances belonging thereto for use by the prison system, upon such terms as to it may seem most advantageous to the prison system. No contract for the purchase of real estate or other fixed property or appurtenances belonging thereto shall be binding upon the Texas Prison Board, or enforceable, until said contract has been submitted to the Legislature, and until appropriations have been made by the Legislature from the State Treasury for the payment of such initial or cash payment as may be required in said purchase.

The Texas Prison Board shall have power to execute notes for deferred payments, after the initial cash payment has been made, and it shall have power to make such notes payable in such sums at such times as may be agreed upon between said Board and the vendors of any real estate so bought; provided, that no payment shall be deferred to such a time as to create a debt within the meaning of the Constitution of Texas, and all payments or deferred payments shall be made so as to be payable out of current revenues of the year for the biennium, collected or to be collected, so as not to constitute a debt in violation of the Constitution of this State. The title to all lands purchased by the Board shall be examined, passed upon and approved as good and sufficient merchantable titles by the Attorney General. The title to all lands so purchased or held by the prison system shall vest in the Texas Prison Board and their successors in office for the use and benefit of the State of Texas.

Sec. 19. All sales and purchases of real estate and all sales, leases and contracts affecting the mineral estate in lands belonging to the prison system, shall be subject to the approval of the Governor; and all deeds of conveyance, mineral leases and contracts relating thereto shall be prepared and approved as to form by the Attorney General.

Sec. 20. The Texas Prison Board shall require the manager to execute a good and sufficient bond payable to the State of Texas in the sum of \$50,000.00, conditional for the faithful performance of the duties of his office and the accurate accounting for all moneys and property coming into his hands; and it may require of other officers, employees and agents of the prison system a good and sufficient bond in such sum as it may determine upon, payable to the State of Texas upon like condition. Such bonds shall be approved by the Texas Prison Board and filed with the Comptroller, and shall be executed by a surety company authorized to do business under the laws of this State, and the premium on any such bond shall be paid by the State out of the support and maintenance fund of the prison system.

Sec. 21. On the taking effect of this Act and biennially thereafter, there shall be appointed by the Attorney General, Treasurer and Com-

troller a permanent auditor for the prison system, who shall hold his office for a term of two years, subject to discharge at any time as herein provided. It shall be the duty of such auditor to audit all accounts, vouchers, payrolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or within the prison system, and he shall make full report to the Governor on the first day of each month. Such auditor shall be subject to discharge at any time by the appointing board, consisting of the Attorney General, Treasurer and Comptroller, for incompetency, neglect, failure or refusal to discharge the duties of his office, or for any wrongful conduct that in the judgment of such appointing board renders him unfit for such service. During the term of his service, such auditor shall be paid such salary as may be provided by law, and all actual and necessary traveling expenses, to be paid at the end of each month out of funds appropriated for the maintenance and support of the prison system. Such auditor shall have free access to all books and records of whatsoever nature belonging to the prison system; and he shall give bond in the sum of \$10,000.00, to be payable, conditioned, executed and approved in like manner as the bond of the manager herein provided for. It shall be the duty of such auditor to audit all vouchers and accounts for payment out of appropriations made for the support of the prison system.

Sec. 22. If any section or provision of this Act shall contravene the terms of the Constitution of this State, or be otherwise held invalid for any reason, the same shall not affect the validity of the remainder of this Act.

Sec. 23. The fact that the State prison system has been a burden upon the taxpayers of this State, and that the management of same, should be changed in accordance with the provisions hereof in the interest of economy and the public good, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 563, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government, for the fiscal year ending August 31, 1927, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, but be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 561, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments named herein for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the Committee Substitute and be not printed for the reason that S. B. No. 412 is a similar emergency appropriation.

WOOD, Chairman.

Amend H. B. No. 561 by striking out all below the enacting clause and substitute the following:

The University of Texas.

For the summer school, 1927 _____	\$110,000.00
Unpaid premiums on insurance in force to August 31, 1927 _____	8,500.00
College of Mines and Metallurgy, El Paso, boiler for heating plant _____	3,000.00
Total _____	

Agricultural and Mechanical
College.

For use of the Agricultural and Mechanical

College at any place within this State, through its experimental station system or otherwise, in connection with root rot investigation and control or in connection with investigation and research relative to any agricultural product in this State _____

\$ 35,000.00

Maintenance of steam plant _____ 20,000.00

Departmental maintenance _____ 10,000.00

Extension of tunnel, sewer, water main and plumbing _____ 10,000.00

Two fireproof dormitories _____ 300,000.00

For use of Agricultural and Mechanical College at any place in this State, through its experimental station system or otherwise, in connection with flea hopper investigation and control or investigation and research relative to any other destructive insect or pest _____

15,000.00

Total _____

John Tarleton Agricultural
and Mechanical College.

Fuel, lights and water _____ \$ 7,000.00

Summer school _____ 4,000.00

Total _____

North Texas Agricultural
College.

Departmental Maintenance:

Commercial Arts _____ \$ 485.00

Household Arts _____ 915.00

Physics _____ 500.00

Mechanic Arts and Engineering _____ 1,600.00

Agriculture _____ 500.00

Total _____

Miscellaneous Items:

Light, heat, water, power and fuel _____ \$ 2,700.00

Total _____

Grand Total _____

College of Industrial Arts.

Remodeling former library quarters in the Administration Build-

ing, turning space into class rooms and providing furniture therefor	\$ 3,500.00
Summer school, 1927	8,000.00
To put teaching positions now paid from local funds on State payroll for session of 1926, 1927	32,850.00
Total	\$ 44,350.00

Texas Technological College.

Summer school, 1927	\$ 47,350.00
Fuel and lights	5,000.00
Salaries for long term	61,626.00
Total	

East Texas State Teachers College.

Summer term, 1927	\$ 20,000.00
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North Texas State Teachers College.

Summer school, 1927	\$ 10,000.00
Additional land	20,000.00
Total	

Sam Houston State Teachers College.

Summer school, 1927	\$ 12,000.00
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Stephen F. Austin State Teachers College.

To employ additional instructors, during spring term, 1927	\$ 3,000.00
Summer school, 1927	12,000.00
Total	

South Texas State Teachers College.

Summer term, 1927	\$ 10,000.00
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Southwest Texas State Teachers College.

Fuel, water, light, heat, power and plumbing	\$ 3,500.00
Summer school, 1927	12,000.00
Additional boiler, including installation, repairs and improvement of heating plant	13,000.00
Departmental maintenance, repairs and improvements	14,560.00
Total	

Sull Ross State Teachers College.

Summer term, 1927	\$ 1,500.00
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West Texas State Teachers College.

Summer school, 1927	\$ 12,000.00
Fuel, light, heat and power	6,000.00
Repairs for President's home	2,000.00
Departmental maintenance	2,000.00
Purchase of 200 acres of land known as T-Anchor Ranch	13,000.00
Total	

JUDICIARY.

Court of Civil Appeals, First District.
Galveston, Texas.

Books for library	\$ 400.00
Fuel and lights	4.02
Total	

Court of Civil Appeals, Second District.
Ft. Worth, Texas.

Books for library	\$ 75.00
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Court of Civil Appeals, Third District.
Austin, Texas.

Ice	\$ 21.49
Stationery	177.40

Court of Civil Appeals, Fourth District.
San Antonio, Texas.

Books for library	\$ 917.55
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Court of Civil Appeals, Fifth District.
Dallas, Texas.

Books for library	\$ 227.80
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Court of Civil Appeals, Sixth District.
Texarkana, Texas.

Stationery	\$ 76.50
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Court of Civil Appeals, Seventh District.
Amarillo, Texas.

Books for library	\$ 1,467.50
New typewriter	100.00
Total	

Court of Civil Appeals, Ninth District.
Beaumont, Texas.

Books for library	\$ 1,200.00
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Commission of Appeals, Section B.		tatives, in giving attention to the State's business	1,500.00
Stenographer, from January 11, 1927, to Aug. 31, 1927, at \$125 per month	\$ 958.33	Total	
Stationery, etc.....	672.50	Agricultural Department.	
Total		Horticultural Division.	
Court of Criminal Appeals		Salary of one plant Pathologist from March 1st to August 31, 1927, at \$175.00 per month....\$	1,050.00
Salaries to Commissioners for April, May, June, July, and Aug., 1927, at \$541.66 each..\$	5,416.60	One Nursery Inspector at \$150.00 per month from March 1st, to August 31, 1927.....	900.00
Salaries to stenographers for April, May, June, July, and Aug., 1927, at \$150 each.....	1,500.00	Three pecan experts from March 1st to August 31, 1927, at \$150.00 per month.....	2,700.00
Salary of one stenographer from Feb. 12th to March 31st, at \$150.00 per month	235.00	Citrus canker eradication	7,500.00
To pay for one set of S. W. Rep. Vol. 1 to 265 for the use of the Commissioners	526.50	Division of Weights & Measures.	
Total		Two inspectors of Weights and Measures from March 1 to August 31, 1927, at \$125.00 per month...\$	1,500.00
State's Attorney before Court of Criminal Appeals one stenographer Feb. 1, 1927, to Aug. 31, 1927	\$ 1,050.00	One truck, 3 1-2 ton capacity	4,750.00
To pay salary of the District Judge of 108th Judicial District, Amarillo, from Feb. 8, 1927, to Aug. 31, 1927	\$ 2,231.00	8,000 lbs. Test Weights	500.00
District Judge's salary:		To exchange two old cars for new cars and pay the difference.....	1,500.00
Salary of district judge of the Ninety-ninth Judicial District for Mar. April, May, June, July, and Aug., 1927.....\$	2,000.00	Division of Entomology.	
DEPARTMENTAL.		Pink boll worm eradication	\$ 4,000.00
Office of the Attorney General.		Total	
Restoration of salary of first assistant, Feb. 1, 1927, to Aug. 31, 1927	\$ 2,333.34	Board of Pardon Advisers.	
Stenographers, filing clerks and telephone operator	1,750.00	Contingent expenses....\$	125.00
Furniture, fixtures, filing cabinets, repairs, floor coverings, office improvements	3,000.00	Comptroller's Department.	
Costs in civil cases in which the State, or heads of any department, is a party.....	1,500.00	To pay salary of District Attorney for 106th Judicial District at \$41.66 per month for the fiscal year ending August 31, 1926.....\$	500.00
Traveling expenses incurred by Attorney General, or any of his assistants or represen-		To pay salary of District Attorney for 106th Judicial District at \$41.66 per month for the fiscal year ending August 31, 1927.....	500.00
		To pay the salary of District Attorney for El Paso Co., for the year ending August 31, 1927	3,666.65

To pay salary of Assistant District Attorney for El Paso Co., for the year ending August 31st, 1927.....	2,400.00
To pay salary of Second Assistant District Attorney of El Paso Co., for the year ending August 31st, 1927.....	2,133.28
To pay Mexican War Veterans for the year ending August 31st, 1926	3,000.00
To pay Mexican War Veterans for the year ending August 31st, 1927	3,000.00
To supplement the traveling expense account for the State Comptroller's Department for the year ending August 31st, 1927.....	10,000.00
To pay Hon. Norman G. Kittrell, Special Chief Justice of the Supreme Court, for service in the Supreme Court of Texas in the case of Mrs. J. G. Wirtz vs. Sovereign Woodmen of the World, No. 4130 for three days in May, 1925, at the rate of \$18.00 per day.....	54.00
Total	

State Fire Insurance Commission.

Postage and box rent.....\$ 1,000.00
 Provided that the maintenance of the Division of Fire Insurance shall be paid out of the revenue obtained from the one and one-fourth per cent tax on the gross premiums of all fire insurance companies, in accordance with Section 29 of the State Fire Insurance Commission Law, passed by the Regular Session of the Thirty-third Legislature, and amended by the Regular Session of the Thirty-fifth Legislature, shall be paid into the State Treasury, and all unexpended balances at the end of the fiscal year shall remain in the State Treasury, to the credit of the State Fire Insurance Commission Fund as provided by law.

General Land Office.

Salaries for extra help...\$ 8,085.00

State Highway Department.

Files, desks, typewriters, adding and calculating machines\$ 5,000.00
 Amount due on 1926 contract for number plates 17,467.30
 Total

Provided, that the above and foregoing amounts appropriated herein for State Highway Department shall be paid out of the State Highway Fund upon warrants issued by State Comptroller as provided by Chapter 190, General Laws, Regular Session, 1917, and amendments thereto; and provided further, that all funds coming into the State Highway Fund derived from registration fees or from other sources, after deducting the total of the foregoing, are hereby appropriated to the State Highway Department for the establishment of a system of State highways and the construction and maintenance thereof as contemplated and set forth in Chapter 190, Acts 1917, and all Acts amendatory thereto.

Industrial Accident Board.

Books, stationery, office supplies, etc.\$ 1,500.00
 Postage, post office box rent, telephone, and telegraph 400.00
 Total

Library and Historical Commission.

Books and stationery\$ 11.49

Secretary of State.

To employ a person for one month to separate, classify, and file papers and data in connection with pardons and executive clemency and applications for same\$ 125.00
 To pay outstanding accounts due to various newspapers over the State for the publication of the Constitutional Amendments, 1926 10,000.00

All the unexpended balance of \$1,000.00 appropriation to be found on page 544, General Laws, Regular Session, Thirty-ninth Legislature for

administrative expense, Blue Sky Division, for year ending August 31, 1927, is hereby transferred and appropriated for use by the Secretary of State to purchase filing cabinets, files, and equipment for properly indexing charters and to purchase typewriter and for contingent expenses.

To employ a person or persons to prepare for the printer and compare the proof of the printer with the originals, the session laws enacted by the Legislature and to do any and all things necessary to be done by the Secretary of State in reference to the printing of such laws. \$ 500.00
Total

State Treasury.

Salary of one assistant auditor at \$150 per month beginning March 1, 1927, and ending August 31, 1927. \$ 900.00

Department of Insurance.

Postage, post office box rent, stationery, telephone, and telegraph. \$ 2,000.00
To adjust salary of Chief Clerk and Accountant, Gas Utilities of Railroad Commission, to cover stenographic error in appropriation bill from:
Sept. 1, 1925, to August 31, 1926. \$ 400.00
Sept. 1, 1926, to August 31, 1927. 400.00
Total

Board of Health.

Board of Health and expenses \$ 300.00

Main Office:

Postage, box rent, telephone, telegraph, scientific data, and office supplies \$ 1,000.00
Contingent expenses. 1,000.00

Bureau of Child Hygiene.

Contingent \$ 200.00
Silver nitrate 500.00

Communicable Diseases:

Travel expenses. \$ 600.00

Food and Drugs:

Laboratory supplies, equipment, serums, vaccines, scientific publications \$ 1,000.00

Vital Statistics:

Stamps, telephone, telegraph \$ 200.00

Engineering:

Telephone, telegraph, stamps \$ 500.00
Departmental maintenance 5,000.00
Total

ELEEMOSYNARY.

Abilene State Hospital.

Support and maintenance \$ 20,000.00
Four attendants 1,260.00
Cook 280.00
Total

Austin State Hospital.

Support and maintenance fund \$ 20,000.00
For enlargement of power house, new boiler, and tunnel system. 50,000.00
Total

Confederate Home.

Support and maintenance fund \$ 12,000.00
Eight attendants. 2,565.00
Total

Rusk State Hospital.

Dry goods and clothing. \$ 15,000.00

Wichita Falls State Hospital.

Construction tunnel for steam heat distribution \$ 25,000.00

Juvenile Training School. (Gatesville.)

Support and maintenance \$ 30,000.00
For extension of sewer and construction of sewerage disposal plants 7,600.00
Total

Terrell State Hospital.

Enlargement and improvement of sewerage disposal plant\$ 10,250.00

San Antonio State Hospital.

For repairs and additions to sewerage disposal plant\$ 10,000.00

Confederate Woman's Home.

Central heating plant and equipment.....\$ 11,000.00

Tuberculosis Sanatorium.

For elevator equipment for hospital\$ 15,000.00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein and no expenditures shall be made nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes and any sums not used for the purpose named herein shall revert to the State Terasury.

Sec. 2. The fact that the appropriations heretofore made for the above items are exhausted or will become exhausted before the expiration of the time for which the same were appropriated, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Recapitulation.

Educational
Judiciary
Departmental
Eleemosynary
Grand Total

Committee Room.

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 8, A bill to be entitled "An Act to amend Articles 2757 and 2758, Revised Civil Statutes of Texas,

of 1925, relating to the formation of independent school districts and the election of a board of trustees thereof, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with recommendation that it do pass and be not printed, with the following Committee Amendments:

Committee Amendment No. 1.

Amend H. B. No. 8 by striking out in line 1 of Article 2757, the words "containing one thousand inhabitants or more" and insert in lieu thereof the words "containing seven hundred inhabitants or more."

Committee Amendment No. 2.

Amend H. B. No. 8 by inserting in line 3 of Article 2757 of the bill, between the word "may" and "include" the words "or may not."

WITT, Chairman.

THIRTY-FIFTH DAY

Senate Chamber,

Austin, Texas, March 7, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Lewis.

Petitions and Memorials

(See Appendix.)